IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO.18992 of 1999**

Between:

B.Laxmi Narayana S/o. Late B.Narsimhaiah,
R/o. Pentlavelly, Kollapur Mandal,
Mahabubnagar District.

**..... PETITIONER**

AND

1 The Regional Manager,
Indo-Bharma Petroleum Company Ltd. 9-1-83 & 84,
R.P.Road, Secunderabad.
2 The Indo-Bharma Petroleum Company Ltd., rep by its General

Manager, No.7 & 10, Spurtant Road,
Chatpur, Chennai,
3 The Government of India, rep by its Principal Secretary Petroleum

and National Gases, Central Secretariat, New Delhi.
(Dismissed for default as per Court Order dt.13.3.2003 against R3)
4 B.Sree ramulu S/o. Late N.B.Narasimhaiah,
R/o.Pebbair, Mahabubnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare the action of the Respondent 1 & 2 in deleting the name of the petitioner from dealership agreement for supply of diesel and Kerosene in the name and style of SRI LAXMINASIMHA FILLING STATION, Pebbair is illegal and against the principles of natural Justice and not in accordance with the Act, by issuing a Writ more in the nature of Mandamus.

**Counsel for the Petitioner: MR.V.V.NARASIMHA RAO**

**Counsel for the Respondents:**

**MR.DEEPAK BHATTACHARJEE FOR RESPONDENT NOS.1 AND 2**

**MR.MOHD.UBEDULLA FOR RESPONDENT NO.4**

**The Court made the following :**

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## Oral order:

Questioning the action of respondent Nos.1 and 2 in deleting the name of the petitioner from the Petroleum dealership agreement, without giving any prior notice or affording an opportunity to him, and continuing respondent No.4 as dealer, the present writ petition is filed.

The petitioner states that he and respondent No. 4 entered into an agreement with respondent Nos. 1 and 2 in the year 1977 for supply of diesel and kerosene in the name of the Filling Station established by them known as Sri Lakshminarasimha Filling Station, Pebbair, Mahabubnagar District, and since then, he and respondent No.4 have been running the said business. The grievance of the petitioner is that respondent Nos.1 and 2, at the instance of respondent No.4, deleted his name from the dealership agreement without giving any notice or affording opportunity of hearing, and that respondent No.4, taking advantage of the deletion of his name from the agreement by respondent Nos.1 and 2, is not paying the profits to the petitioner. Therefore, the petitioner got issued a legal notice dated 08.03.1999 to respondent Nos.1 and 2, in vain. Hence, he filed the present writ petition.

The questions, namely whether in fact the petitioner and respondent No.4 entered into an agreement with respondent Nos. 1 and 2 for supply of diesel and kerosene, and whether the name of the petitioner was deleted from the agreement at the instance of respondent No.4, and if so, whether respondent Nos. 1 and 2 colluded with respondent No.4 for deleting the name of the petitioner, and whether in fact, the petitioner is entitled to profits from out of the profits earned by respondent No.4 from the business of sale of diesel and kerosene, are all disputed questions of fact, which cannot be gone into in a proceeding under Article 226 of the Constitution of India, and the appropriate remedy of the petitioner, if any, is to approach the competent

civil Court and get his disputes adjudicated.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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**N.V. RAMANA, J.**

**Date: 1st July, 2005.**

**NSR/KSR/KA**

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Manager,
Indo-Bharma Petroleum Company Ltd. 9-1-83 & 84,
R.P.Road, Secunderabad.
2 The General Manager, Indo-Bharma Petroleum Company Ltd., No.7 &

10, Spurtant Road, Chatpur, Chennai,
3 2 CD copies

4 1 CC to MR.DEEPAK BHATTACHARJEE

5 One CC to Mr. S. Girimoji Rao.

*Form-NIC-OGS/WP{**PRASAD**}*